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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/653,309

09/02/2003

Khoi A. Phan

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2778

23623

7590

01/04/2005

EXAMINER

DANG, PHUC T

AMIN & TUROCY, LLP

1900 EAST 9TH STREET, NATIONAL CITY CENTER

24TH FLOOR,

CLEVELAND, OH 44114

ART UNIT

PAPER NUMBER

2818

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/653,309	Applicant(s) PHAN ET AL.	
	Examiner PHUC T DANG	Art Unit 2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on election filed on November 22, 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 14-19,21,22 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-13,20,23 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### **Restriction/Election**

1. Applicant's election filed on November 22, 2004 is acknowledged.

In election, Applicants elected Group I (claims 1-13, 20, 23 and 25) and withdrawn Group II (claims 14-19, 21-22 and 24) with traverse is considered.

Because Applicant did not distinctly and specifically point out the supposed error in the restriction requirement, the election has been treated as an election without traverse (MPEP 818.03(a)). Applicants have the right to file a divisional application covering the subject matter of the non-elected claims.

Claims 1-25 are currently pending in this application for examination at this time.

### **Oath/Declaration**

2. The oath/declaration filed on September 2, 2003 is acceptable.

### **Specification**

This application is in condition for allowance except for the following formal matters:

- i) The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed (see MPEP 606.01).

A title such as -- METHOD OF PATTERN RECOGNITION AND METROLOGY STRUCTURE AN X-INITIATIVE LAYOUT DESIGN -- is suggested. Note that, the claims are directed to a method and a structure of making a semiconductor device.

- ii) Claim cancellations

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Applicants are advised to cancel claims 14-19, 21-22 and 24 in response to the next Office action if the application is considered to be allowed.

**Allowable Subject Matter**

3. Claims 1-13, 20, 23 and 25 would be allowed.

The following is a statement of reason for the indication of allowable subject matter:

Claims are considered allowable since the prior art of record and the considered pertinent to the applicant's disclosure does not teach or suggest at least one additional diagonal line intersecting at least one alignment mark utilized to facilitate a more accurate alignment.

Prosecution on the merit is closed in accordance with the practice under Ex Parte Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

When responding to the Office action, Applicants' are advice to provide the Examiner with the line numbers and page numbers in the application and/or references cited to assist the Examiner the appropriate paragraphs.

**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuc T. Dang whose telephone number is (571) 272-1776. The examiner can normally be reached on 8:00 am-5:00 pm.
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571) 272-1787. The fax phone numbers for the organization

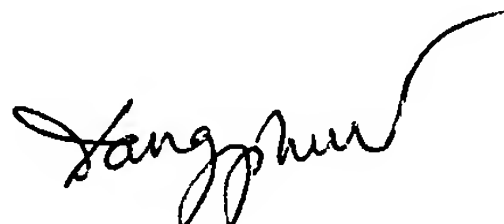
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where this application or proceeding is assigned are 703-872-9306 for regular communications and After Final communications.

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Phuc T. Dang

PP

A handwritten signature in black ink, appearing to read "Phuc T. Dang", with a long, sweeping horizontal stroke extending to the right.

Primary Examiner

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